RELEASED IN PART
B1, 1.4(D)

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ACTION WHA-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	DOEE-00	DS-00	EB-00	OIGO-00	H-00	TEDE-00	INR-00
	IO-00	JUSE-00	LAB-01	L-00	AC-00	NSAE-00	OIC-00
	PA-00	MCC-00	GIWI-00	PRS-00	ACE-00	P-00	FMPC-00
	SP-00	STR-00	TRSE-00	ECA-00	DSCC-00	PRM-00	DRL-00
	G-00	NFAT-00	SAS-00	/001W			

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FM AMEMBASSY CARACAS
TO SECSTATE WASHDC PRIORITY 8539
INFO AMEMBASSY BOGOTA PRIORITY
AMEMBASSY LA PAZ PRIORITY
AMEMBASSY LIMA PRIORITY
AMEMBASSY QUITO PRIORITY
NSC WASHDC PRIORITY
HQ USSOUTHCOM MIAMI FL PRIORITY

C O N F I D E N T I A L CARACAS 003677

NSC FOR CBARTON
USCINCSO ALSO FOR POLAD

E.O. 12958: DECL: 05/25/2014
TAGS: PGOV, PHUM, KJUS, VE
SUBJECT: RESULTS OF JUDICIAL REFORM IN VENEZUELA: MOVING FORWARDS OR BACKWARDS?

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (d)

Summary

1. (C) [redacted]

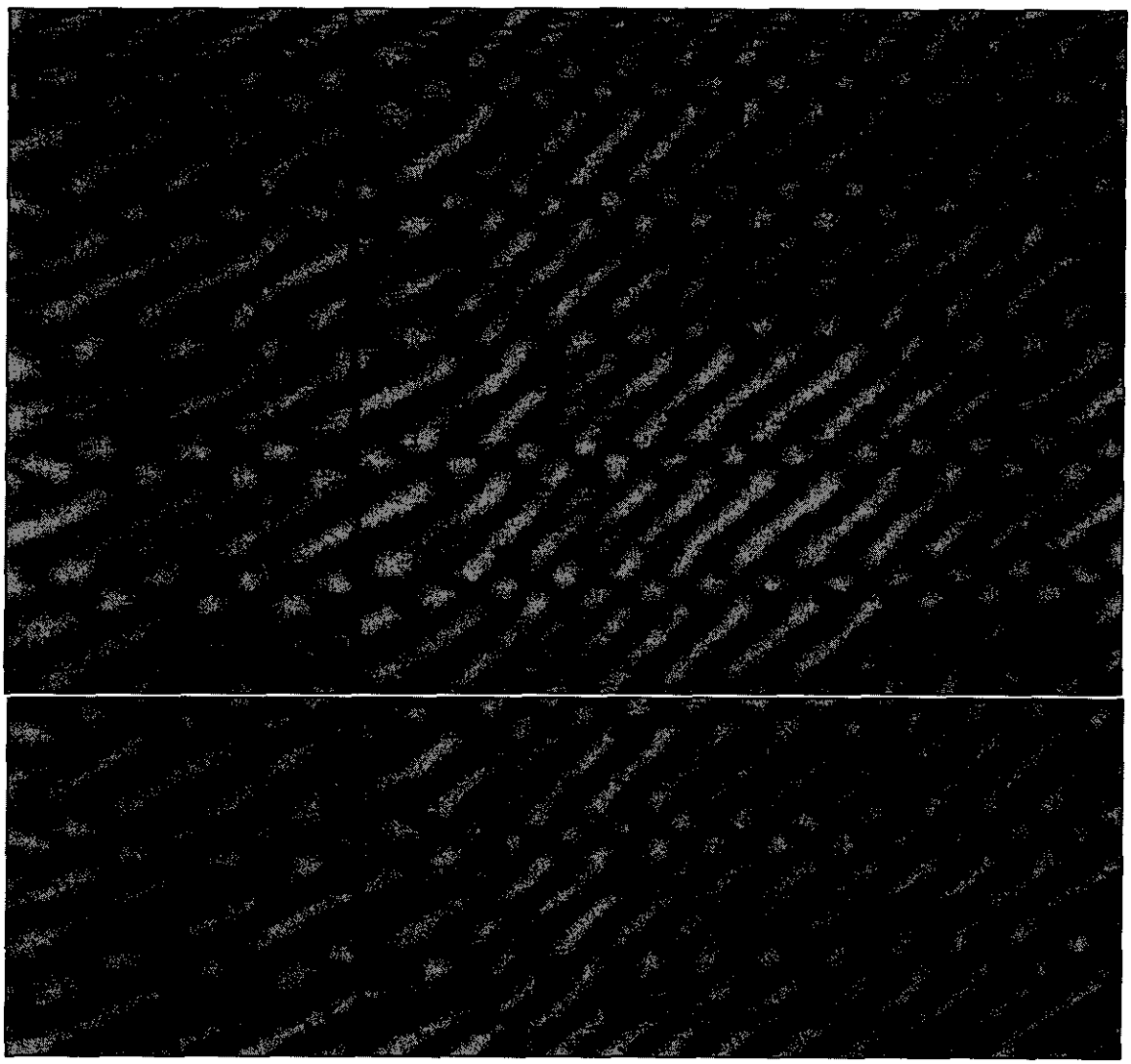
End Summary.

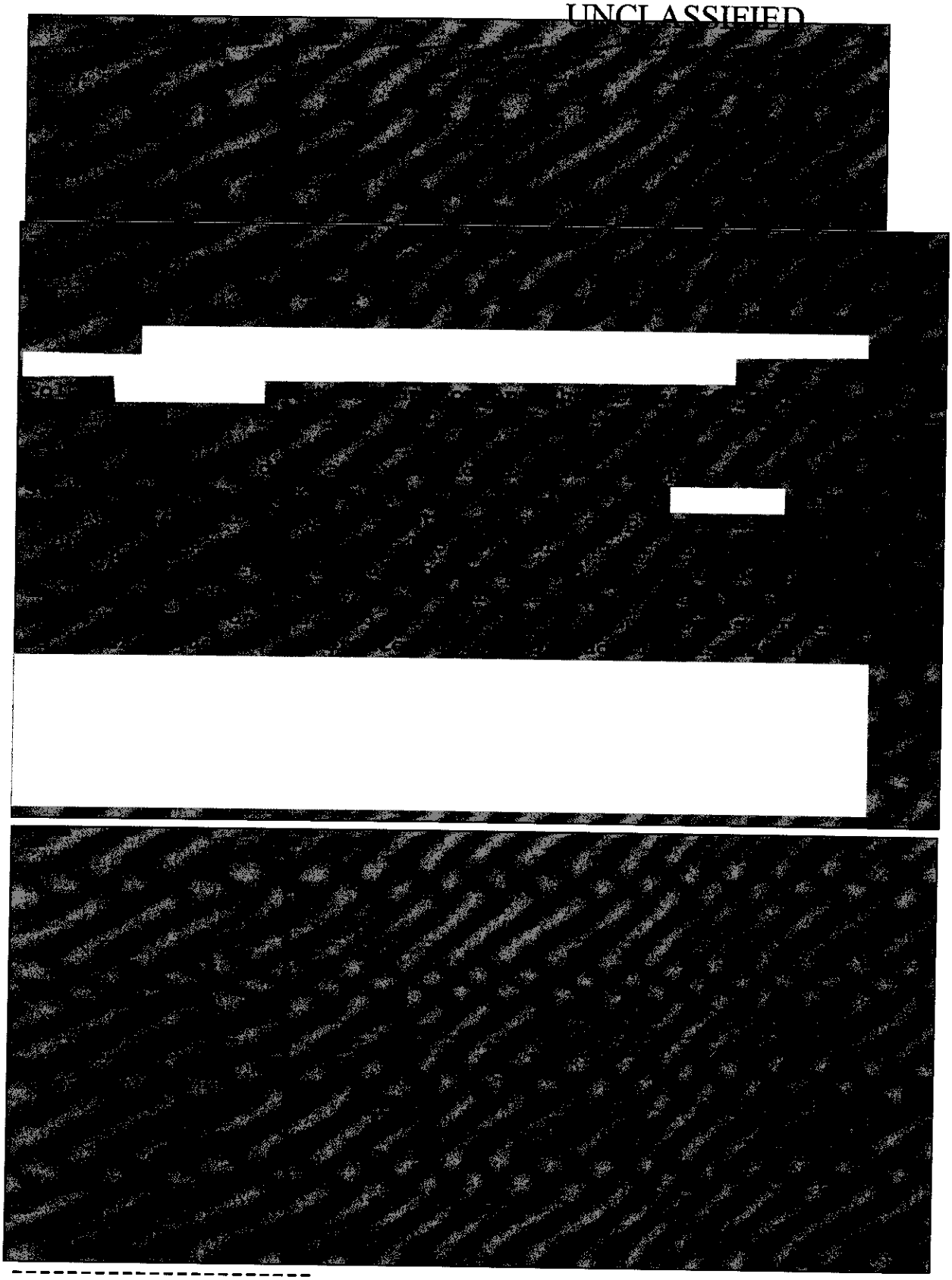
UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: APPEALS REVIEW PANEL
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)
DECLASSIFY AFTER: 28 NOV 2024
APPEAL ACTION: ADDITIONAL INFORMATION RELEASED
REASON(S): B1, 1.4(D)
DATE/CASE ID: 04 MAR 2008 200404750

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: MELVIN E SINN
DATE/CASE ID: 30 JUN 2005 200404750

Judicial Independence

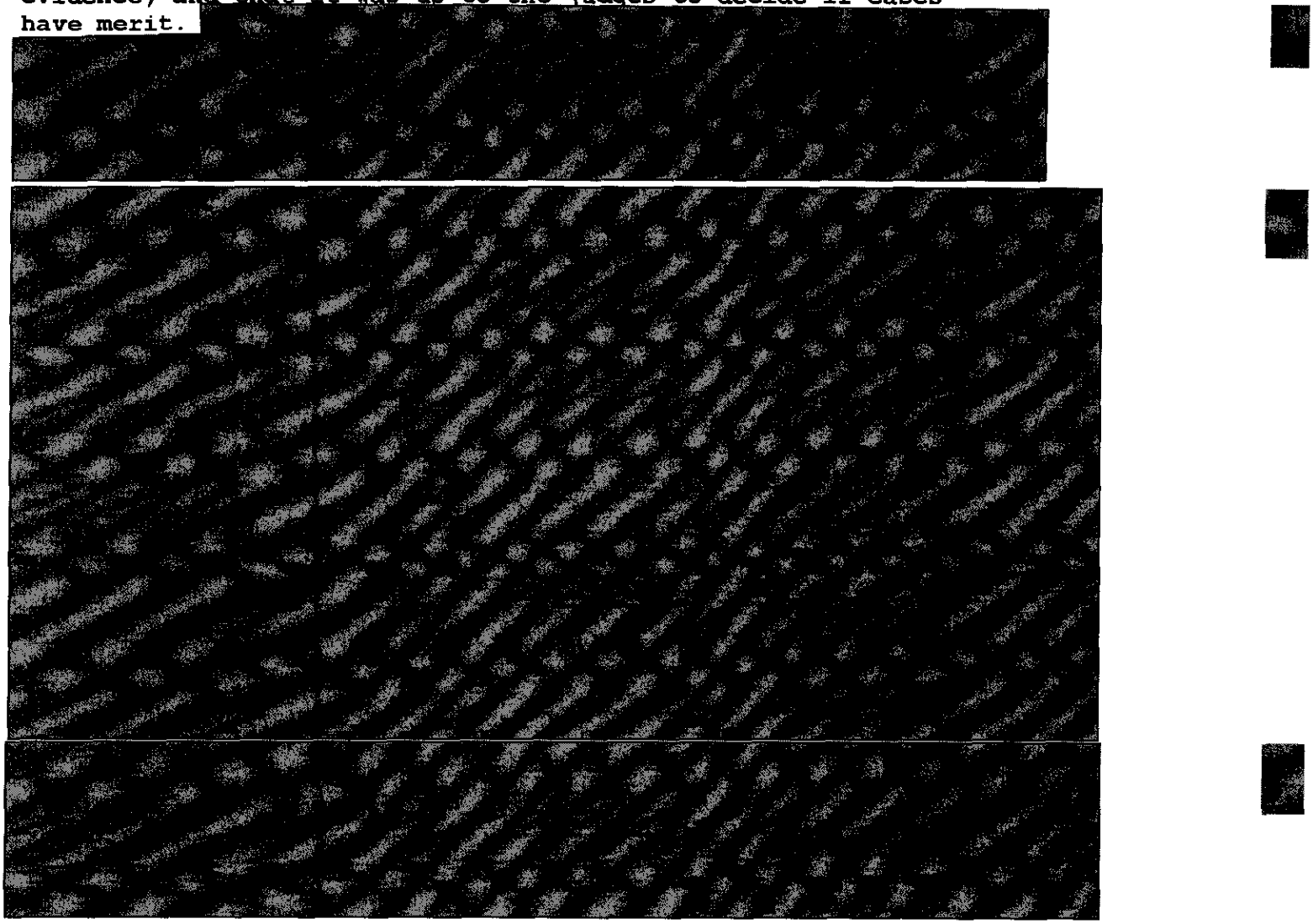
2. (C) Human Rights Watch released a report in June calling Venezuela's Supreme Court Law a danger to judicial independence. The law expanded the number of justices from 20 to 32 and made it easier for sitting judges to be removed or suspended by other branches of government. Given the structure of the Venezuelan judiciary, the law is widely seen as an attempt to ensure the political reliability of the judiciary. The report also focused on the Supreme Court Judicial Committee's firing of temporary and provisional judges without due process. The report cited the fact that over 80% of judges in Venezuela are provisional or temporary, and alleged that the Judicial Committee has removed many of them for apparently political reasons.

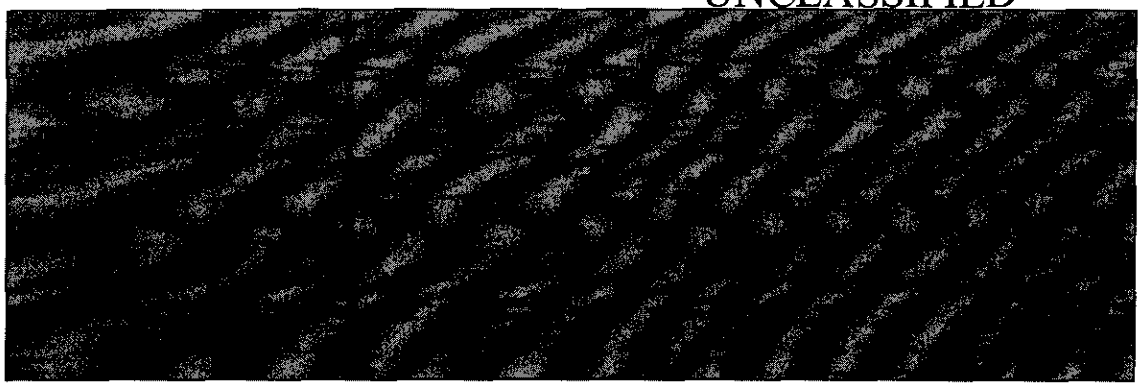



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B1

Political Prosecutors?

7. (C) The role of judges in political cases is most important in terms of their willingness to confront prosecutors who are pursuing weak cases, and their willingness to order suspects be detained. Under Venezuelan judicial procedures, prosecutors initiate investigations and accuses suspects. There are persistent claims of political prosecutions in Venezuela, largely associated with a small group of prosecutors who are assigned all controversial cases. Speaking to PolOff November 10, Danilo Anderson, one of the most active of the political prosecutors, rejected the notion that there is a political directorate in the Attorney General's office (Note: Anderson was killed November 18 - Caracas 03577). Prosecutors simply follow the orders of Attorney General Isaias Rodriguez, Anderson said. Anderson maintained that the prosecutions are simply based on the evidence, and that it was up to the judges to decide if cases have merit.





Prisons

10. (C) noted that one of the principal causes of delayed justice in Venezuela is the corruption in the prisons, where prisoners are forced to pay guards to take them to their hearings. If they cannot pay, according to and others who have voiced these concerns, the suspects miss their hearings, which can extend cases by months. Interior Minister Jesse Chacon has acknowledged this problem in the press, and promised to solve it.

What Can Be Done?

11. (C) told PolOff that any money invested in the judicial system would be wasted in the present political situation. studied the first Judicial Modernization Project the World Bank financed (septel), and found that it did improve the efficiency of the courts, and improved public service. said, however, that it did nothing to speed justice or improve its transparency, alleging that real problems are in the Attorney General's Office. , also called on the World Bank to demand serious reforms before agreeing to finance any project.

12. (C) The Ambassador, meeting with Attorney General Isaias Rodriguez, suggested continued collaboration between the Embassy and the Attorney General's Office to mprove training and organization. The Ambassado also suggested that the Embassy would like to etablish ties with Venezuelan law schools to help increase understanding f the adversarial system. Rodriguez strongly endorsed both ideas. Rodriguez also suggested that the Embassy talk to Interior and Justice Minister Jesse Chacon about collaborating on projects to

improve the prison system.

Comment



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